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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 WILLIAM J. GRADFORD,

12 Plaintiff,

13 v.

14 TIEXIERA, et al.,

15 Defendants.  
16

Case No.: 1:19-cv-01783-SKO (PC)

**ORDER TO SHOW CAUSE WHY MOTION  
TO PROCEED *IN FORMA PAUPERIS*  
SHOULD NOT BE DENIED**

(Doc. 2)

21-DAY DEADLINE

17 On December 23, 2019, Plaintiff William J. Gradford filed a motion to proceed *in forma*  
18 *pauperis* (IFP). (Doc. 2.) In his motion, Plaintiff states that he received a \$3,000 settlement earlier  
19 this year. (*Id.*) This is more than enough to pay the \$400 filing fee in this action; therefore,  
20 Plaintiff must show why he is entitled to IFP status.

21 Proceeding “in forma pauperis is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114,  
22 116 (9th Cir. 1965). While a party need not be completely destitute to proceed IFP, *Adkins v. E.I.*  
23 *DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948), ““the same even-handed care must be  
24 employed to assure that federal funds are not squandered to underwrite, at public expense, either  
25 frivolous claims or the remonstrances of a suitor who is financially able, in whole or in material  
26 part, to pull his own oar.”” *Doe v. Educ. Enrichment Sys.*, No. 15-cv-2628-MMA-MDD, 2015  
27 U.S. Dist. LEXIS 173063, \*2 (S.D. Cal. 2015) (quoting *Temple v. Ellerthorpe*, 586 F. Supp. 848,  
28 850 (D.R.I. 1984)). Hence, “the court shall dismiss the case at any time if the court determines

1 that the [plaintiff's] allegation of poverty is untrue." 28 U.S.C. § 1915(e)(2)(A).

2 Plaintiff may have adequate funds to be required to pay the filing fee in full to proceed in  
3 this action. Accordingly, **within 21 days** of the date of service of this order, Plaintiff SHALL  
4 show cause why his motion to proceed IFP should not be denied, and why this action should not  
5 be dismissed without prejudice to refiling with prepayment of the filing fee. **Failure to respond**  
6 **to this order will result in dismissal for failure to obey a court order.**

7  
8 IT IS SO ORDERED.

9 Dated: **December 27, 2019**

/s/ Sheila K. Overta  
UNITED STATES MAGISTRATE JUDGE